

## **Remarks**

### **1. Summary of the Final Office Action**

In the Final Office Action mailed March, 2009, the Examiner rejected claims 2, 4-6, 8-12, and 14-15 under 35 U.S.C § 102(e) as allegedly being anticipated by U.S. Patent No. 6,885,658 (Ress).

### **2. Status of the Claims**

Presently pending are new claims 17-36, of which claims 17, 26 and 34 are independent, and the remainder are dependent. Applicants have canceled claims 2, 4-6, 8-12, and 14-15 without prejudice. The new claims are summarized below.

Claim 17 is generally directed to a method by which a network device can logically group a plurality of media gateways into a virtual media gateway, present the virtual gateway to a media gateway controller, and facilitate communications between the media gateway controller and the plurality of media gateways, which the media gateway controller views as the single virtual media gateway. Support for claim 17 can be found generally through the original specification and figures, more specifically as indicated in the present discussion.

In particular, claim 17 recites, in one way or another, storing in the physical memory of the network device a representation of a logical grouping of a plurality of media gateways, the representation being in the form of data that includes a network address and an attribute for each media gateway of the plurality, wherein each media gateway of the plurality is connected to the network device via a communication network. Support for this aspect of claim 17 can be found in the original specification at least at page 5, lines 8-10, 13-14, page 10, lines 5-6, Figure 1 and explanatory text on pages 9-10, Figure 2 and explanatory text on page 11, and Figure 7 and explanatory text on page 16, among other locations in the specification and among other figures.

Claim 17 also recites “associating a first identifier with the first logical grouping.” Support may again be found in the original specification at least at page 5, lines 17-19, in Figure 7 and explanatory text on page 16, as well as in Figure 10 and explanatory text on page 19 (lines 5-11).

Claim 17 also recites, in one way or another, intermediating communications between the media gateway controller and the plurality of media gateways. Support for this aspect of claim 17 can be found at least in Figure 2 and explanatory text on page 11, as well as in Figure 9 and explanatory text on pages 17 (line 20) – 20 (line 19).

Claim 18, which depends from claim 17, recites, in one way or another, that more than one virtual media gateway can be represented. Support for this claim can be found at least in Figure 2 and explanatory text on page 11.

Claims 19-25 depend, in one way or another, from claim 17, and recite limitations directed to specific aspects of the method that are discussed at least in the same figures and sections of the original specification as those identified above for support of claims 17 and 18.

Claims 26-36 recite limitations similar to those of claims 17-25, but are directed to an apparatus (claims 26-33) or tangible storage of computer-executable instruction (claims 34-36). Support for these claims is generally the same as that for claim 17-25.

No new matter has been introduced my way of new claims 17-36.

### **3. Response to Rejections under 35 U.S.C. § 102(e)**

The Examiner rejected claims 2, 4-6, 8-12, and 14-15 under 35 U.S.C § 102(e) as allegedly being anticipated by Ress. In view of Applicants’ cancellation of claims 2, 4-6, 8-12, and 14-15, and the introduction of new claims 17-36, Applicants submit that the Examiner’s specific assertions with respect to now-canceled claims 2, 4-6, 8-12, and 14-15 are moot. As

discussed below, Applicants further submit that Ress fails to teach or disclose each and every element as set forth in any of claims 17-36. Therefore, in accordance with M.P.E.P. § 2131, Ress does not anticipate any of claims 17-36. Applicants first direct their discussion to claim 17, and then subsequently address claims 18-36.

Ress teaches a method and apparatus for interworking between internet protocol (IP) telephony protocols. In particular, Ress discloses:

[A] call server includes a first protocol agent for communicating with a first protocol device according to a first protocol. A second protocol agent communicates with a second protocol device according to a second protocol. An interworking agent provides functions usable by the first and second protocol agents to communicate with each other according to a third protocol. The third protocol is a superset of functions provided by the first and second protocols. (Abstract.)

Thus, the invention of Ress is directed to translation between protocols. While Ress discloses a media gateway controller (MGC) that controls an ingress media gateway (MG) and an egress MG, the MGC communicates directly with each of these two MGs (see, for example, Figure 3 and explanatory text at column 4, lines 43-65). Nowhere does Ress teach or suggest a network device that logically groups a plurality of MGs into a virtual MG, or that presents a virtual MG to an MGC. Absent any such teaching, Ress also necessarily fails to teach an MGC communicating with a plurality of MG by way of a virtual MG represented at an intermediary network device.

Ress similarly discloses a configuration of gatekeeper (GK) in relation to an ingress H.323 gateway (GW) and an egress H.323 GW. Again, however, there is no explicit or implicit teaching or suggestion of a logical grouping in a network device of H.323 GWs as a virtual H.323 GW.

Ress also teaches a call server that incorporates a MGC and a GK with a protocol interworking agent for translating between them (e.g., Figure 5 and explanatory text at column 5,

lines 14-38). Indeed, as stated in the abstract and elsewhere (e.g., column 2, lines 67-68, column 3, lines 21-23), the purpose of Ress is protocol translation. However, the protocol translation disclosed in Ress bears no relation to a virtual media gateway or intermediating communications between a media gateway controller and a plurality of media gateways by way of a network device.

In contrast, claim 17 recites, in one way or another, storing in the physical memory of a network device a representation of a logical grouping of a plurality of media gateways, wherein the representation is in the form of data that includes a network address and an attribute for each media gateway of the plurality, and wherein each media gateway of the plurality is connected to the network device via a communication network. Ress fails to teach or suggest such limitation.

Claim 17 also recites “associating a first identifier with the first logical grouping.” Ress necessarily fails to teach or suggest such a limitation, at least because Ress does not disclose a virtual media gateway.

Finally, claim 17 also recites, in one way or another, intermediating communications between the media gateway controller and the plurality of media gateways. Again, Ress necessarily fails to teach or suggest such a limitation, at least because Ress does not disclose a network device that presents a plurality of media gateways as virtual media gateway to a media gateway control.

For at least the reasons discussed above, Applicants submit that Ress fails to anticipate claim 17, and that claim 17 is allowable.

Each of independent claims 26 and 34 include, *inter alia*, limitations similar to those of claim 17. Hence, Ress fails to anticipate claims 26 and 34 for at least the reasons discussed in connection with claim 17. Applicants submit that claims 26 and 34 are therefore allowable as

well.

Each of claims 18-25, 27-33, and 34-36 depends, in one way or another, from one of independent claims 17, 26, or 34. Hence, Ress fails to anticipate any of claims 18-25, 27-33, and 34-36 for at least the reasons discussed above. Applicants submit that claims 18-25, 27-33, and 34-36 are therefore allowable as well.

#### **4. Conclusion**

Applicants submit that the application is in good and proper form for allowance and therefore respectfully request favorable reconsideration. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of this application, the Examiner is invited to call the undersigned at 312-913-3353.

Respectfully submitted,

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